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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,352	01/23/2004	Gary Carlson	200209331-1	7104

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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GRAINGER, QUANA MASHELL

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

3/1

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/763,352	CARLSON ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Quana M. Grainger	2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 4-11-2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-14,16 and 17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The finality of that action is withdrawn so that the teaching relied upon by Ohno et al may be clarified.

### ***Claim Objections***

2. Claim 5 is objected to because claim 5 recites identifying the media sheet and the laminate and it is unclear if identifying the media sheet in addition to the laminate is discussed in the specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 1-6, 8-9, 12-14, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (5,894,318) in view of Ohno et al. (4,549,803).

Endo et al. teaches a method of using a printing device comprising receiving a laminate request via the user interface, adjusting the fusing temperature and speed, laminating a document surrounded by laminate sheet material (figures 4, 6, 9a, 9b, 10). The document and laminate sheet materials are inserted through the manual feed tray and bypass the transfer mechanism before being fused in the toner fuser (column 11, lines 25-53). Endo et al. does not teach adjusting the characteristics of the toner fuser.

Ohno et al. teaches changing the characteristics of the toner fuser based on the type of media, such as OHP transparencies which are made of a resin like a laminate sheet, and adjusting the characteristics of the toner fuser such as the speed or pressure (column 6, lines 44-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Ohno et al. with the image forming device of Endo et al. to ensure proper fusing of a varied type of media (Ohno et al., column 3, lines 13-31).

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. in view of Ohno et al. in view of Fukushima. Endo et al. does not discuss displaying instructions on the display device.

Fukushima teaches displaying manual feed instruction on the device display and instructions on how to operate the other features of the printing device.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Fukushima with the printing device of Endo et al. to provide instructions that are needed for operating the printing device.

***Response to Arguments***

7. Applicant's arguments filed 1-30-2007 have been fully considered but they are not persuasive.

Applicant argues that the references must suggest the desirability, and thus, the obviousness of making the combination and that the Examiner misses that Ohno and Endo teach solutions to different technological problems and thus are nonanalogous art, inappropriate for use in a rejection under 35 U.S.C. § 103. The teaching of Ohno et al. has been clarified in the rejection to agree with the examiner's previous arguments concerning Ohno et al. The teaching of Ohno et al. is analogous art because it is applicable to toner fusers. Ohno et al. teaches changes the toner fuser characteristic based on media type including OHP transparencies.

Applicant argues that Ohno teaches away from its combination with Endo. In switching from a printing mode to a laminating mode, Endo teaches that one should slow down a transport speed by about 90% and simultaneously increase a temperature within a printing device (Endo, col. 11, lines 25-35). In contrast, Ohno teaches that when switching from printing on paper to printing on a resin sheet one should slow down the transport speed by about 80% but also decrease the temperature (Ohno, col. 8, lines 27-42). However, Endo et al. teaches a laminating mode and Ohno et al. teaches adjusting the toner fuser characteristics based on the type of media. Thus, Endo et al. in view of Ohno et al. suggest adjusting the toner fuser characteristic for the

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media and laminate combination being fused appropriately. One of ordinary skill would know to determine the appropriate characteristics to bring about proper fusing and lamination.

Applicant argues that Endo et al. in view of Ohno et al. does not suggest identifying the composite media. Applicant further comments that Ohno et al., which is relied upon for this teaching, does not identify the composite media but the composite media is selected by the user. The composite media is made of a laminate material and a sheet material. However, the composite media is identified based on the selection of the media sheet by the user, which is taught by Ohno et al. Moreover, in the instant invention, the laminate is identified by the same method. The composite media in Endo et al. in view of Ohno et al. is determined based on the type of sheet material because when the sheet material is changed, a different composite media is formed. In addition, applicant claims that the media is identified, but does not claim that this identification is based on a sensing of the actual media as is argued.

Applicant also argues that Ohno et al. does not teach lamination, however, Ohno et al. is not relied upon for this teaching. Endo et al. teaches lamination and Ohno et al. teaches adjusting the toner fuser based on the sheet material. Thus, Endo et al. in view of Ohno et al. suggest adjusting the toner fuser based on the identified composite media formed by a laminate and a sheet material.

Applicant has amended claim 5 to recite identifying the media sheet and the laminate material. It is unclear where identifying the media sheet is discussed in the specification. This recitation has been objected to and the claims remain rejected.

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Applicant has argued with respect to claim 9 that Endo et al. does not teach an automatic feed tray. However, the manual feed tray is automatic since the user inserts a media sheet and the sheet is then automatically feed to the image forming section.

Applicant argues with respects to claims 13-14 and 16-17 that the combination does not include a selectively operable bypass of the image transfer mechanism. However, the transfer mechanism is bypassed in the combination and just like in the instant invention where a composite media goes through the media path to fuser without having an image transferred upon it.

Applicant argues that in reference to claims 10-11, there is no motivation to modify Endo et al. with Fukushima to add the display of instructions to the user. First, the printer discussed by Endo et al. most likely provides instructions to the user but it is not taught in the patent. In reference to the rejection, Fukushima is used to teach that it is conventional to include instructions for the user to improve operability (column 2, lines 45-48). These claims also remain rejected.

In conclusion, the claims remain rejected as discussed above.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Quana M Grainger  
Primary Examiner  
Art Unit 2852

QG